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PENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference FC/99/111/EST	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/ IT 99/ 00338	International filing date (day/month/year) 22/10/1999	(Earliest) Priority Date (day/month/year) 04/02/1999
Applicant GIBO ITALIA S.R.L. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. **Certain claims were found unsearchable** (See Box I).

3. **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

5

None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IT 99/00338

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

The invention relates to a cosmetic product container (1) comprising a container body (2) for holding a cosmetic product therein and at least a covering element (5). The main feature of the invention is that the container body (2) and covering element (5) are made as a single piece by injection molding a single component so as to be coupled to one another by a hinge assembly (4). The invention relates moreover to a method for making a cosmetic product container (1), said method comprising at least an injection step for injection molding at least a component for providing an assembly comprising a container element (2) and at least a covering element (5) therefor, the container element (2) and covering element (5) being coupled by a hinge (4).

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FC/99/111/EST	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/IT99/00338	International filing date (day/month/year) 22/10/1999	Priority date (day/month/year) 04/02/1999
International Patent Classification (IPC) or national classification and IPC B65D47/08		
<p>Applicant GIBO ITALIA S.R.L. et al.</p> <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 9 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application 		

Date of submission of the demand 17/04/2000	Date of completion of this report 08.03.2001
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Janosch, J Telephone No. +49 89 2399 7525



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IT99/00338

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17.)*):

Description, pages:

1-7 as originally filed

Claims, No.:

1-7 as received on 04/01/2001 with letter of 04/01/2001

Drawings, sheets:

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IT99/00338

the drawings, sheets:

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c));
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)
see separate sheet

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application.

claims Nos. 3, 4 and 7.

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 3 are so unclear that no meaningful opinion could be formed (*specify*);
see separate sheet

the claims, or said claims Nos. 4 and 7 are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished or does not comply with the standard.

the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-6

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International application No. PCT/IT99/00338

	No: Claims
Inventive step (IS)	Yes: Claims
	No: Claims 1-6
Industrial applicability (IA)	Yes: Claims 1-6
	No: Claims

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item I

Basis of the report

1. The amendments filed with the letter dated 04.01.2001 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the new claims 1 and 6.
 - 1.1 Concerning claim 1 it is originally disclosed (cf. original claim 3, page 2, lines 25-33, page 3, lines 31-33, page 5, lines 25-33, page 7, lines 5-10) that the covering element is provided with a gasket made from a different material than the assembly and that the gasket, the covering element and the container body are made by bi-injection of two different components. Thus a " ... gasket being made by injecting ..." is not originally disclosed thus being a broader feature introducing new matter and therefore claim 1 does not fulfill the requirement of Art. 34(2)b PCT.
 - 1.2 Concerning claim 6 it is not originally disclosed that the hinge is made such that it is an integral hinge. Additionally a further injection for forming a gasket is not originally disclosed. According to original claim 3, page 2, lines 25-33, page 3, lines 31-33, page 5, lines 25-33, page 7, lines 5-10 only a bi-injection for forming a gasket is disclosed. Consequently claim 6 does not fulfill the requirement of Art. 34(2)b PCT.
2. According to Rule 70.2c PCT this international preliminary examination report is based on claims 1 and 6 as filed with the International Preliminary Examination request according to Art. 31 PCT.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The amendments filed with the letter dated 04.01.2001 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the new claims 4 and 7.

- 1.1 Claims 4 and 7 define a blow moulding process "through said open body" and "through said open container body" respectively. A blow moulding process through a body or a container body was not originally disclosed thus claims 4 and 7 do not fulfill the requirements of Art. 34(2)b PCT.
2. Consequently it cannot be evaluated whether claims 4 and 7 fulfill the requirements of Art. 33(2) and (3) PCT.
3. Since there are considerable clarity problems (cf. point VIII, 3. below) at present it cannot be evaluated, whether claim 3 fulfills the requirements of Art 33(2) and (3) PCT.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US-A-5 662 245 (GRANT CHRIS J) 2 September 1997 (1997-09-02).

- 2.1 Document D1, which is considered to represent the most relevant state of the art, discloses (cf. abstract, claims 1 and 9, column 2, lines 15-19, column 2, line 67-column 3, line 5, column 5, lines 36-43 and lines 47-49, column 6, lines 11-16, figures 1-4, 6-14, 28-32) in view of claim 1, insofar as claim 1 can be understood (cf. point VIII, 1. and 2. below) a cosmetic product container from which the subject-matter of claim 1 differs in that a gasket is made of a material different from that of the assembly comprising said covering element and container body. Consequently claim 1 is new and fulfills the requirement of Art. 33(2) PCT.
- 2.2 The object of the present invention may therefore be regarded as is to provide an alternative for the gasket made of the same material as the container.
- 2.3 A gasket, as known from D1 (cf. column 2, line 67-column 3, line 5), may be an integral part of the covering element; alternatively the skilled person also knows gaskets, e.g. from D1 (cf. column 1, lines 44-48, column 2, lines 40-46), which are

applied to a covering element as a separate part. The material of such gaskets is usually selected to realise a good sealing and thus is independent from the material of the covering element; usually a softer material is selected to provide a good sealing. Consequently the skilled person already knows that the materials of the gasket and the covering element can be different and usually are different. Therefore it is obvious for the skilled person to apply a gasket of different material than the cover element and the requirement of Art. 33(3) PCT is not fulfilled.

3. In view of claim 2, it is known from D1 (cf. figure 1) that said container body is closed at the bottom end thereof opposite to said covering element thereby providing a jar container. Thus the additional feature of claim 2 is not new and the subject-matter of claim 2 does not fulfill the requirement of Art. 33(3) PCT.
4. In view of claim 5 from D1 it is known (cf. figure 2, 6-11) that between said container body and said covering element is arranged a perforated flat element, said perforated flat element being coupled to said container body by a second hinge, in a single piece with said container body. Thus claim 5 does not involve an inventive step and consequently does not fulfill the requirement of Art. 33(3) PCT.
- 5.1 Document D1 is considered to represent the most relevant state of the art for the independent claim 6. This document discloses (cf. claim 17, column 10, lines 43-50, figures 29-31) a method for making a cosmetic product container, from which the subject-matter of claim 6 differs in that the injection step is carried out starting from two different components, by using a bi-injection apparatus. Thus claim 6 fulfills the requirement of Art. 33(2) PCT.
- 5.2 As already stated in paragraph 2.3 above it is suggested to the skilled person by D1 (cf. column 1, lines 44-48, column 2, lines 40-46 and lines 52-55) to use two different components and a bi-injection apparatus to make a cosmetic product container as defined in the preceding claims. Since it is stated to be an advantage of the container according to D1 that it is made of only one component, it is clear to the skilled person, that the prior art of D1 discloses containers made of multiple components. Furthermore it is obvious to the skilled person to use a different material for the gasket, since the material of such gaskets is usually selected to realise a good sealing and thus is independent from the material of the assembly.

Usually a softer material is selected to provide a good sealing. The use of a bi-injection apparatus is indicated to the skilled person by the different materials that have to be treated in the injection moulding process. Thus claim 6 does not involve an inventive step and does not fulfill the requirement of Art. 33(3) PCT.

Re Item VII

Certain defects in the international application

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII

Certain observations on the international application

1. Claim 1 is not clear in the sense of Art. 6 PCT in view of claim 2. Since claim 2 defines that the container body is closed at a bottom end, claim 1 also comprises "containers" with open bottom ends. This is a contradiction, since containers are defined as structures which are able to contain something but it is not possible to contain something, if the "container" has an open bottom end. Thus containers implicitly disclose that the bottom end is closed, any structures which have an open bottom end are not defined as containers.
2. In claim 3 it is defined, that the container body is open at the bottom portion opposite to said covering element. Consequently the container body is no longer able to hold anything (e.g. creams, solar oils, etc., cf. page 1, lines 5-10). Thus claim 3 is in contradiction to claim 1, where it is defined, that the container body is for holding a product, what renders claim 3 itself and claim 1 in view of claim 3 unclear (Art. 6 PCT). Further according to claim 3 a vial or tube shall be used, thus one of these elements fulfills the function of holding something and no longer the container body, as defined in claim 1. Additionally the container according to claim 3 is not made as a single piece, as claimed in claim 1, thus constituting a contradiction. Consequently claim 3 itself and claim 1 in view of claim 3 are not clear in the sense of Art. 6 PCT.

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EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IT99/00338

3. According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "component" and "material" for the same feature (cf. claim 1, page 2, line 27, page 5, lines 27 and 33, page 7, lines 15-17). Furthermore in claim 2 a "bottom end" is defined and in claim 3 a "bottom portion" which seem to be the same structures and thus being unclear (Art. 6 PCT).
4. The description is not in conformity with the claims, since mandatory features of claims 1 and 6 are described as optional (cf. page 2, lines 25-33, page 3, line 15 and lines 31-33, page 5, line 32, page 6, line 14 and lines 32-33, page 7, lines 6, 8 and 15). Thus claims 1 and 6 are not clear when interpreted according to the description (Art. 6 PCT).
5. The embodiment according to figure 6 is not described in the description; additionally it does not seem to fall within the scope of the claims. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 6 PCT).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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the drawings, sheets:

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)
see separate sheet

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application.
 claims Nos. 3, 4 and 7.

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 3 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

the claims, or said claims Nos. 4 and 7 are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished or does not comply with the standard.
 the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-6

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IT99/00338

	No:	Claims
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-6
Industrial applicability (IA)	Yes:	Claims 1-6
	No:	Claims

**2. Citations and explanations
see separate sheet**

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IT99/00338

Re Item I

Basis of the report

1. The amendments filed with the letter dated 04.01.2001 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the new claims 1 and 6.
 - 1.1 Concerning claim 1 it is originally disclosed (cf. original claim 3, page 2, lines 25-33, page 3, lines 31-33, page 5, lines 25-33, page 7, lines 5-10) that the covering element is provided with a gasket made from a different material than the assembly and that the gasket, the covering element and the container body are made by bi-injection of two different components. Thus a " ... gasket being made by injecting ..." is not originally disclosed thus being a broader feature introducing new matter and therefore claim 1 does not fulfill the requirement of Art. 34(2)b PCT.
 - 1.2 Concerning claim 6 it is not originally disclosed that the hinge is made such that it is an integral hinge. Additionally a further injection for forming a gasket is not originally disclosed. According to original claim 3, page 2, lines 25-33, page 3, lines 31-33, page 5, lines 25-33, page 7, lines 5-10 only a bi-injection for forming a gasket is disclosed. Consequently claim 6 does not fulfill the requirement of Art. 34(2)b PCT.
2. According to Rule 70.2c PCT this international preliminary examination report is based on claims 1 and 6 as filed with the International Preliminary Examination request according to Art. 31 PCT.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The amendments filed with the letter dated 04.01.2001 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the new claims 4 and 7.

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EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IT99/00338

- 1.1 Claims 4 and 7 define a blow moulding process "through said open body" and "through said open container body" respectively. A blow moulding process through a body or a container body was not originally disclosed thus claims 4 and 7 do not fulfill the requirements of Art. 34(2)b PCT.
2. Consequently it cannot be evaluated whether claims 4 and 7 fulfill the requirements of Art. 33(2) and (3) PCT.
3. Since there are considerable clarity problems (cf. point VIII, 3. below) at present it cannot be evaluated, whether claim 3 fulfills the requirements of Art 33(2) and (3) PCT.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US-A-5 662 245 (GRANT CHRIS J) 2 September 1997 (1997-09-02).

- 2.1 Document D1, which is considered to represent the most relevant state of the art, discloses (cf. abstract, claims 1 and 9, column 2, lines 15-19, column 2, line 67-column 3, line 5, column 5, lines 36-43 and lines 47-49, column 6, lines 11-16, figures 1-4, 6-14, 28-32) in view of claim 1, insofar as claim 1 can be understood (cf. point VIII, 1. and 2. below) a cosmetic product container from which the subject-matter of claim 1 differs in that a gasket is made of a material different from that of the assembly comprising said covering element and container body. Consequently claim 1 is new and fulfills the requirement of Art. 33(2) PCT.
- 2.2 The object of the present invention may therefore be regarded as is to provide an alternative for the gasket made of the same material as the container.
- 2.3 A gasket, as known from D1 (cf. column 2, line 67-column 3, line 5), may be an integral part of the covering element; alternatively the skilled person also knows gaskets, e.g. from D1 (cf. column 1, lines 44-48, column 2, lines 40-46), which are

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IT99/00338

applied to a covering element as a separate part. The material of such gaskets is usually selected to realise a good sealing and thus is independent from the material of the covering element; usually a softer material is selected to provide a good sealing. Consequently the skilled person already knows that the materials of the gasket and the covering element can be different and usually are different. Therefore it is obvious for the skilled person to apply a gasket of different material than the cover element and the requirement of Art. 33(3) PCT is not fulfilled.

3. In view of claim 2, it is known from D1 (cf. figure 1) that said container body is closed at the bottom end thereof opposite to said covering element thereby providing a jar container. Thus the additional feature of claim 2 is not new and the subject-matter of claim 2 does not fulfill the requirement of Art. 33(3) PCT.
4. In view of claim 5 from D1 it is known (cf. figure 2, 6-11) that between said container body and said covering element is arranged a perforated flat element, said perforated flat element being coupled to said container body by a second hinge, in a single piece with said container body. Thus claim 5 does not involve an inventive step and consequently does not fulfill the requirement of Art. 33(3) PCT.
- 5.1 Document D1 is considered to represent the most relevant state of the art for the independent claim 6. This document discloses (cf. claim 17, column 10, lines 43-50, figures 29-31) a method for making a cosmetic product container, from which the subject-matter of claim 6 differs in that the injection step is carried out starting from two different components, by using a bi-injection apparatus. Thus claim 6 fulfills the requirement of Art. 33(2) PCT.
- 5.2 As already stated in paragraph 2.3 above it is suggested to the skilled person by D1 (cf. column 1, lines 44-48, column 2, lines 40-46 and lines 52-55) to use two different components and a bi-injection apparatus to make a cosmetic product container as defined in the preceding claims. Since it is stated to be an advantage of the container according to D1 that it is made of only one component, it is clear to the skilled person, that the prior art of D1 discloses containers made of multiple components. Furthermore it is obvious to the skilled person to use a different material for the gasket, since the material of such gaskets is usually selected to realise a good sealing and thus is independent from the material of the assembly.

Usually a softer material is selected to provide a good sealing. The use of a bi-injection apparatus is indicated to the skilled person by the different materials that have to be treated in the injection moulding process. Thus claim 6 does not involve an inventive step and does not fulfill the requirement of Art. 33(3) PCT.

Re Item VII

Certain defects in the international application

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII

Certain observations on the international application

1. Claim 1 is not clear in the sense of Art. 6 PCT in view of claim 2. Since claim 2 defines that the container body is closed at a bottom end, claim 1 also comprises "containers" with open bottom ends. This is a contradiction, since containers are defined as structures which are able to contain something but it is not possible to contain something, if the "container" has an open bottom end. Thus containers implicitly disclose that the bottom end is closed, any structures which have an open bottom end are not defined as containers.
2. In claim 3 it is defined, that the container body is open at the bottom portion opposite to said covering element. Consequently the container body is no longer able to hold anything (e.g. creams, solar oils, etc., cf. page 1, lines 5-10). Thus claim 3 is in contradiction to claim 1, where it is defined, that the container body is for holding a product, what renders claim 3 itself and claim 1 in view of claim 3 unclear (Art. 6 PCT). Further according to claim 3 a vial or tube shall be used, thus one of these elements fulfills the function of holding something and no longer the container body, as defined in claim 1. Additionally the container according to claim 3 is not made as a single piece, as claimed in claim 1, thus constituting a contradiction. Consequently claim 3 itself and claim 1 in view of claim 3 are not clear in the sense of Art. 6 PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IT99/00338

3. According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "component" and "material" for the same feature (cf. claim 1, page 2, line 27, page 5, lines 27 and 33, page 7, lines 15-17). Furthermore in claim 2 a "bottom end" is defined and in claim 3 a "bottom portion" which seem to be the same structures and thus being unclear (Art. 6 PCT).
4. The description is not in conformity with the claims, since mandatory features of claims 1 and 6 are described as optional (cf. page 2, lines 25-33, page 3, line 15 and lines 31-33, page 5, line 32, page 6, line 14 and lines 32-33, page 7, lines 6, 8 and 15). Thus claims 1 and 6 are not clear when interpreted according to the description (Art. 6 PCT).
5. The embodiment according to figure 6 is not described in the description; additionally it does not seem to fall within the scope of the claims. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 6 PCT).

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION
(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing: 10 August 2000 (10.08.00)	
International application No.: PCT/IT99/00338	Applicant's or agent's file reference: FC/99/111/EST
International filing date: 22 October 1999 (22.10.99)	Priority date: 04 February 1999 (04.02.99)
Applicant: BOCOLA, Giovanni	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International preliminary Examining Authority on:

17 April 2000 (17.04.00)

in a notice effecting later election filed with the International Bureau on:

2. The election was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b):

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer:

J. Zahra

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

CICOGNA,FRANCO
Ufficio Internazionale Brevetti
Dott. Prof. Franco Cicogna
Via Visconti di Modrone, 14/A
I - 20122 Milano
ITALIE

UT 4.11.2000
PCT

WRITTEN OPINION

(PCT Rule 66)

Date of mailing (day/month/year)		04.10.2000
REPLY DUE		within 3 month(s) from the above date of mailing

Applicant's or agent's file reference FC/99/111/EST		REPLY DUE	within 3 month(s) from the above date of mailing
International application No. PCT/IT99/00338	International filing date (day/month/year) 22/10/1999	Priority date (day/month/year) 04/02/1999	
International Patent Classification (IPC) or both national classification and IPC B65D47/08			
Applicant GIBO ITALIA S.R.L. et al.			

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain document cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 04/06/2001.

Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer / Examiner Janosch, J.
	Formalities officer (incl. extension of time limits) Loepper, S Telephone No. +49 89 2399 2569



I. Basis of the opinion

1. This opinion has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".*):

Description, pages:

1-7 as originally filed

Claims, No.:

1-6 as received on 20/05/2000 with letter of 11/04/2000

Drawings, sheets:

1/4-4/4 as originally filed

2. The amendments have resulted in the cancellation of:

the description, pages:
 the claims, Nos.: 7-10
 the drawings, sheets:

3. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

the entire international application,
 claims Nos. 3 and 4,

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 3 and 4 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. .

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-6 yes
Inventive step (IS)	Claims 1, 2, 5, 6 no
Industrial applicability (IA)	Claims 1-6 yes

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. Since there are considerable clarity problems (cf. paragraph VIII 3. and 4.) at present it cannot be evaluated, whether claims 3 and 4 fulfill the requirements of Art 33(2) and (3) PCT.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-5 662 245 (GRANT CHRIS J) 2 September 1997 (1997-09-02) and
D2: EP-A-0 302 702 (CHEMCAST CORP) 8 February 1989 (1989-02-08).

- 2.1 Document D1, which is considered to represent the most relevant state of the art, discloses in view of claim 1 (cf. abstract, claims 1 and 9, column 2, lines 15-19, column 2, line 67-column 3, line 5, column 5, lines 36-43 and lines 47-49, column 6, lines 11-16, figures 1-4, 6-1, 14, 28-32) a cosmetic product container from which the subject-matter of claim 1 differs in that a gasket is made of a material different from that of the assembly comprising said covering element and container body. Consequently claim 1 is new and fulfills the requirement of Art. 33(2) PCT.
- 2.2 The object of the present invention may therefore be regarded as is to provide an alternative for the gasket made of the same material as the container.
- 2.3 A gasket, as known from D1 (cf. column 2, line 67-column 3, line 5), may be an integral part of the covering element; alternatively the skilled person also knows gaskets (e.g. from D2, abstract) which are applied to a covering element as a separate part. The material of such gaskets is usually selected to realise a good sealing and thus is independent from the material of the covering element; usually

a softer material is selected to provide a good sealing. Consequently the skilled person already knows that the materials of the gasket and the covering element can be different (cf. D2, abstract) and usually are different. Therefore it is obvious for the skilled person to apply a gasket of different material than the cover element and the requirement of Art. 33(3) PCT is not fulfilled.

- 2.4 In view of claim 2, the skilled person already knows, e.g. from the abstract of D2, that a bi-injecting process may be used to produce the gasket and other elements, with which the gasket cooperates. Thus claim 2 does not involve an inventive step and thus the requirement of Art. 33(3) is not fulfilled.
- 2.5 Since from D1 it is already known (cf. figure 2, 6-11) that between said container body and said covering element is arranged a perforated flat element, said perforated flat element being coupled to said container body by a second hinge, in a single piece, by injecting two different components, the arguments of paragraph 2.2 above concerning the use of two different materials apply likewise. Thus claim 5 does not involve an inventive step and consequently does not fulfill the requirement of Art. 33(3) PCT. The other alternative of claim 5 is not clear (cf. paragraph VIII. 5.).
- 2.6 Document D1 is considered to represent the most relevant state of the art for the independent claim 6. This document discloses (cf. claim 17, column 10, lines 43-50, figures 29-31) a method for making a cosmetic product container, from which the subject-matter of claim 6 differs in that the injection step is carried out starting from two different components, by using a bi-injection apparatus. Thus claim 6 fulfills the requirement of Art. 33(2) PCT.
- 2.7 The use of two different components and of a bi-injection apparatus is already known by the skilled person (e.g. abstract of D2). Thus taking into account the knowledge of a skilled person it is obvious to use two different components in a bi-injection apparatus for making a cosmetic product container. Consequently claim 6 does not involve an inventive step and does not fulfill the requirement of Art. 33(3) PCT.
- 2.8 The subject-matters of claims 1-6 are industrial applicable and thus fulfill the

requirement of Art. 33(4) PCT.

Re Item VII

Certain defects in the international application

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII

Certain observations on the international application

1. Claim 1 is not clear (Art. 6 PCT), since the expression "by injecting at least a component" does not clearly define, that an injection molding process using one component is used to produce the container as a single piece.
2. Claim 6 is not clear for the same reasons as stated in the above paragraph 1, since the expression "an injection step" does not seem to define clearly a step of an injection molding process.
3. In claim 3 it is defined, that the container body is open at the end portion opposite to said covering element, thus the opening defined in claim 3 is at the bottom of the container body. Consequently the container body is no longer able to hold anything (e.g. creams, solar oils, etc., cf. page 1, lines 5-10). Thus claim 3 is in contradiction to claim 1, where it is defined, that the container body is for holding a product, what renders claim 3 unclear (Art. 6 PCT). Further according to claim 3 a vial or tube shall be used, thus one of these elements fulfills the function of holding something and no longer the container body, as defined in claim 1. Additionally the container according to claim 3 is not made as a single piece, as claimed in claim 1, thus constituting a contradiction. Consequently claim 3 is not clear in the sense of Art. 6 PCT.
4. The same argumentation is applicable to claim 4; additionally in claim 4 it is not

clearly defined what a "set configuration" is.

5. Since claim 5 refers to claim 3, it includes all features of claim 3 and thus claim 5 is not clear (Art. 6) (cf. paragraph 3. above). Even if claim 5 would refer to claim 1, the alternative of claim 5, that a single component is injected is in contradiction to the characterising part of claim 1 and thus not clear.
6. According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "component" and "material" for the same feature (cf. claim 1, page 2, line 27, page 5, lines 27 and 33, page 7, lines 15-17).
7. The description is not in conformity with the claims, since mandatory features of claims 1 and 6 are described as optional (cf. page 2, lines 25-33, page 3, line 15 and lines 31-33, page 5, line 32, page 6, line 14 and lines 32-33, page 7, lines 6, 8 and 15). Thus claims 1 and 6 are not clear when interpreted according to the description (Art. 6 PCT).
8. The embodiment according to figure 6 is not described in the description; additionally it does not seem to fall within the scope of the claims. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 6 PCT).

VIA DHL

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only

Identification of IPEA		Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		
International application No. PCT/IT99/00338	International filing date (day/month/year) 22 OCTOBER 1999 (22.10.99)	Applicant's or agent's file reference FC/99/111/EST (Earliest) Priority date (day/month/year) 04 FEBRUARY 1999 (04.02.99)
Title of invention COSMETIC PRODUCT CONTAINER AND METHOD FOR MAKING IT		
Box No. II APPLICANT(S)		
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) GIBO ITALIA S.R.L. Via Cavour, 53 20026 Novate Milanese (MILANO) ITALY		Telephone No.: Facsimile No.: Teleprinter No.: ITALY
State (that is, country) of nationality: ITALY	State (that is, country) of residence: ITALY	
Box No. III APPLICANT(S)		
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) BOCOLA, Giovanni Via Cavour, 53 20026 Novate Milanese (MILANO) ITALY		Telephone No.: Facsimile No.: Teleprinter No.: ITALY
State (that is, country) of nationality: ITALY	State (that is, country) of residence: ITALY	
Box No. IV APPLICANT(S)		
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)		Telephone No.: Facsimile No.: Teleprinter No.: ITALY
State (that is, country) of nationality:	State (that is, country) of residence:	
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.		

Box No. III AGENT OR COMMON REPRESENTATIVE: OR ADDRESS FOR CORRESPONDENCE

The following person is agent common representativeand has been appointed earlier and represents the applicant(s) also for international preliminary examination. is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked. is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.Name and address: (Family name followed by given name; for a legal entity, full official designation.
The address must include postal code and name of country.)

CICOGNA, Franco

UFFICIO INTERNAZIONALE BREVETTI

DOTT. PROF. FRANCO CICOGNA

VIA VISCONTI DI MODRONE 14/A

20122 MILANO

ITALY

Telephone No.:

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Facsimile No.:

+39.2.76021470

Teleprinter No.:

 Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION

Statement concerning amendments:*

1. The applicant wishes the international preliminary examination to start on the basis of: the international application as originally filedthe description as originally filed as amended under Article 34the claims as originally filed as amended under Article 19 (together with any accompanying statement) as amended under Article 34the drawings as originally filed as amended under Article 342. The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.3. The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). (This check-box may be marked only where the time limit under Article 19 has not yet expired.)* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: ENGLISH.....

 which is the language in which the international application was filed. which is the language of a translation furnished for the purposes of international search. which is the language of publication of the international application. which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The applicant hereby elects all eligible States (that is, all States which have been designated and which are bound by Chapter II of the PCT)

excluding the following States which the applicant wishes not to elect:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

1. translation of international application	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>
2. amendments under Article 34	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>
3. copy (or, where required, translation) of amendments under Article 19 (in triplicate)	2	sheets	<input type="checkbox"/>	<input type="checkbox"/>
4. copy (or, where required, translation) of statement under Article 19	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>
5. letter	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>
6. other (specify) Copy of our letter to the OMPI	5	sheets	<input type="checkbox"/>	<input type="checkbox"/>

For International Preliminary Examining Authority use only

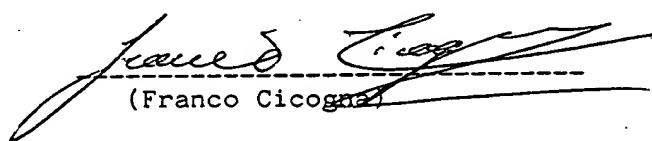
received not received

The demand is also accompanied by the item(s) marked below:

1. <input checked="" type="checkbox"/> fee calculation sheet	4. <input type="checkbox"/> statement explaining lack of signature
2. <input type="checkbox"/> separate signed power of attorney	5. <input type="checkbox"/> nucleotide and or amino acid sequence listing in computer readable form
3. <input type="checkbox"/> copy of general power of attorney; reference number, if any:	6. <input checked="" type="checkbox"/> other (specify): EPO FORM 1010

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).



(Franco Cicognani)

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

The applicant has been informed accordingly.

4. The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.

5. Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on:

PCT

FEE CALCULATION SHEET

Annex to the Demand for international preliminary examination

International application No.	PCT/IT99/00338
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For International Preliminary Examining Authority use only

Date stamp of the IPEA

Applicant's or agent's file reference	FC/99/111/EST
---------------------------------------	---------------

Applicant

GIBO ITALIA S.R.L., et al

Calculation of prescribed fees

1. Preliminary examination fee

2.998,29

P

2. Handling fee (Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.)

287,51

H

3. Total of prescribed fees
Add the amounts entered at P and H and enter total in the TOTAL box

3.285,80

TOTAL

Mode of Payment

authorization to charge deposit account with the IPEA (see below)

cheque

postal money order

bank draft

cash

revenue stamps

coupons

other (specify):

Deposit Account Authorization (this mode of payment may not be available at all IPEAs)

The IPEA/ EP is hereby authorized to charge the total fees indicated above to my deposit account.

(this check-box may be marked only if the conditions for deposit accounts of the IPEA so permit) is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.

28070095

Deposit Account Number

April 12, 2000

Date (day/month/year)

Signature

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum)

FC/99/111/EST

Box No. I TITLE OF INVENTION COSMETIC PRODUCT CONTAINER AND METHOD FOR
MAKING IT

Box No. II APPLICANT

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

GIBO ITALIA S.R.L.
Via Cavour, 53
20026 Novate Milanese (MILANO)
ITALY

This person is also inventor.

Telephone No.

Facsimile No.

Teleprinter No.

State (that is, country) of nationality: ITALY

State (that is, country) of residence: ITALY

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box for the purposes of:

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

BOCOLA, Giovanni
Via Cavour, 53
20026 Novate Milanese (MILANO)
ITALY

This person is:

applicant only

applicant and inventor

inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality: ITALY

State (that is, country) of residence: ITALY

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box for the purposes of:

Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:

agent

common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

CICOGNA, Franco
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Teleprinter No.

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No.V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; **at one must be marked**):

Regional Patent

AP ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SL Sierra Leone, SZ Swaziland, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT

EA Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT

EP European Patent: AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT

OA OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (*if other kind of protection or treatment desired, specify on dotted line*)

National Patent (*if other kind of protection or treatment desired, specify on dotted line*):

<input checked="" type="checkbox"/> AE United Arab Emirates	<input checked="" type="checkbox"/> LR Liberia
<input checked="" type="checkbox"/> AL Albania	<input checked="" type="checkbox"/> LS Lesotho
<input checked="" type="checkbox"/> AM Armenia	<input checked="" type="checkbox"/> LT Lithuania
<input checked="" type="checkbox"/> AT Austria	<input checked="" type="checkbox"/> LU Luxembourg
<input checked="" type="checkbox"/> AU Australia	<input checked="" type="checkbox"/> LV Latvia
<input checked="" type="checkbox"/> AZ Azerbaijan	<input checked="" type="checkbox"/> MD Republic of Moldova
<input checked="" type="checkbox"/> BA Bosnia and Herzegovina	<input checked="" type="checkbox"/> MG Madagascar
<input checked="" type="checkbox"/> BB Barbados	<input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia
<input checked="" type="checkbox"/> BG Bulgaria	<input checked="" type="checkbox"/> MN Mongolia
<input checked="" type="checkbox"/> BR Brazil	<input checked="" type="checkbox"/> MW Malawi
<input checked="" type="checkbox"/> BY Belarus	<input checked="" type="checkbox"/> MX Mexico
<input checked="" type="checkbox"/> CA Canada	<input checked="" type="checkbox"/> NO Norway
<input checked="" type="checkbox"/> CH and LI Switzerland and Liechtenstein	<input checked="" type="checkbox"/> NZ New Zealand
<input checked="" type="checkbox"/> CN China	<input checked="" type="checkbox"/> PL Poland
<input checked="" type="checkbox"/> CU Cuba	<input checked="" type="checkbox"/> PT Portugal
<input checked="" type="checkbox"/> CZ Czech Republic	<input checked="" type="checkbox"/> RO Romania
<input checked="" type="checkbox"/> DE Germany	<input checked="" type="checkbox"/> RU Russian Federation
<input checked="" type="checkbox"/> DK Denmark	<input checked="" type="checkbox"/> SD Sudan
<input checked="" type="checkbox"/> EE Estonia	<input checked="" type="checkbox"/> SE Sweden
<input checked="" type="checkbox"/> ES Spain	<input checked="" type="checkbox"/> SG Singapore
<input checked="" type="checkbox"/> FI Finland	<input checked="" type="checkbox"/> SI Slovenia
<input checked="" type="checkbox"/> GB United Kingdom	<input checked="" type="checkbox"/> SK Slovakia
<input checked="" type="checkbox"/> GD Grenada	<input checked="" type="checkbox"/> SL Sierra Leone
<input checked="" type="checkbox"/> GE Georgia	<input checked="" type="checkbox"/> TJ Tajikistan
<input checked="" type="checkbox"/> GH Ghana	<input checked="" type="checkbox"/> TM Turkmenistan
<input checked="" type="checkbox"/> GM Gambia	<input checked="" type="checkbox"/> TR Turkey
<input checked="" type="checkbox"/> HR Croatia	<input checked="" type="checkbox"/> TT Trinidad and Tobago
<input checked="" type="checkbox"/> HU Hungary	<input checked="" type="checkbox"/> UA Ukraine
<input checked="" type="checkbox"/> ID Indonesia	<input checked="" type="checkbox"/> UG Uganda
<input checked="" type="checkbox"/> IL Israel	<input checked="" type="checkbox"/> US United States of America
<input checked="" type="checkbox"/> IN India	<input checked="" type="checkbox"/> UZ Uzbekistan
<input checked="" type="checkbox"/> IS Iceland	<input checked="" type="checkbox"/> VN Viet Nam
<input checked="" type="checkbox"/> JP Japan	<input checked="" type="checkbox"/> YU Yugoslavia
<input checked="" type="checkbox"/> KE Kenya	<input checked="" type="checkbox"/> ZA South Africa
<input checked="" type="checkbox"/> KG Kyrgyzstan	<input checked="" type="checkbox"/> ZW Zimbabwe
<input checked="" type="checkbox"/> KP Democratic People's Republic of Korea	
<input checked="" type="checkbox"/> KR Republic of Korea	
<input checked="" type="checkbox"/> KZ Kazakhstan	
<input checked="" type="checkbox"/> LC Saint Lucia	
<input checked="" type="checkbox"/> LK Sri Lanka	

Check-boxes reserved for designating States which have become party to the PCT after issuance of this sheet:

.....

Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (*Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.*)

Box No. VI PRIORITY CLAIM		<input type="checkbox"/> Further priority claims indicated in the Supplemental Box		
Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country	regional application: * regional Office	international application: receiving Office
item (1) 04 FEBRUARY 1999 (04.02.99)	MI99A 000216	ITALY		
item (2) .				
item (3)				

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s):

* Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(ii)). See Supplemental Box.

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):	Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority):		
	Date (day/month/year)	Number	Country (or regional Office)
ISA / EP			

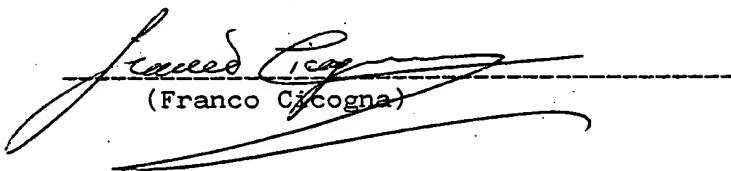
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request : 3	<input checked="" type="checkbox"/> fee calculation sheet		
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Figure of the drawings which should accompany the abstract : 5 Language of filing of the international application: ENGLISH

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(Franco Cicogna)

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Applicant

GIBO ITALIA S.R.L., et al

CALCULATION OF PRESCRIBED FEES

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2. SEARCH FEE 1.829.775 S

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3. INTERNATIONAL FEE

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The international application contains 17 sheets.

first 30 sheets 799.680 b1
 x = b2
remaining sheets additional amount

Add amounts entered at b1 and b2 and enter total at B 799.680 B

Designation Fees

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10 x 183.946 = 1.839.460 D
number of designation fees amount of designation fee
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Add amounts entered at B and D and enter total at I 2.639.140 I

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4. FEE FOR PRIORITY DOCUMENT (if applicable) P

5. TOTAL FEES PAYABLE 4.528.915 TOTAL

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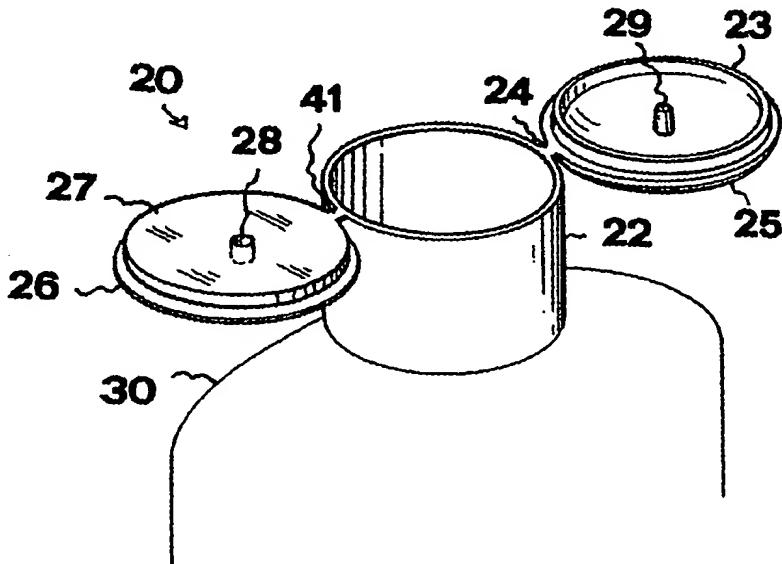


INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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(21) International Application Number: PCT/IT99/00338	(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
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(72) Inventor; and	
(75) Inventor/Applicant (for US only): BOCOLA, Giovanni [IT/IT]; Via Cavour, 53, I-20026 Novate Milanese (IT).	Published <i>With international search report.</i> <i>With amended claims and statement.</i>
(74) Agent: CICOGNA, Franco; Ufficio Internazionale Brevetti Dott. Prof. Franco Cicogna, Via Visconti di Modrone, 14/A, I-20122 Milano (IT).	

(54) Title: COSMETIC PRODUCT CONTAINER AND METHOD FOR MAKING IT



(57) Abstract

The invention relates to a cosmetic product container (1) comprising a container body (2) for holding a cosmetic product therein and at least a covering element (5). The main feature of the invention is that the container body (2) and covering element (5) are made as a single piece by injection molding a single component so as to be coupled to one another by a hinge assembly (4). The invention relates moreover to a method for making a cosmetic product container (1), said method comprising at least an injection step for injection molding at least a component for providing an assembly comprising a container element (2) and at least a covering element (5) therefor, the container element (2) and covering element (5) being coupled by a hinge (4).

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COSMETIC PRODUCT CONTAINER AND METHOD FOR MAKING IT**BACKGROUND OF THE INVENTION**

The present invention relates to a cosmetic product container and a method for making it.

As is known, cosmetic products such as creams, of the paste or fluid type, solar oils, bath products and so on, are conventionally contained in a lot of different containers such as jars, small bottles or tubes, made of a lot of different materials, such as plastic materials or glass.

Prior cosmetic product containers, however, are conventionally made by combining two or more distinct pieces, and, in particular, they comprise a container body and a respective covering element, which is frequently threaded on the body of the container.

This approach, in which two or more discrete elements must be coupled to one another to provide a finished container, is not considered as satisfactory, from an economic standpoint, since it would be desirable to reduce as far as possible the making and assembling cost of the above mentioned containers, before filling said containers with the cosmetic product to be held therein.

In this connection it should be pointed out that the above mentioned problems are further compounded in all the cases in which, because of the nature of the cosmetic product to be handled, it is necessary to also provide an intermediate element, including a throughgoing hole, for providing a metered delivery of the liquid or semi-liquid

cosmetic products, which further complicates the container construction.

From the above, it should be apparent that it would be desirable to provide a cosmetic product 5 container allowing to solve the above mentioned problems.

SUMMARY OF THE INVENTION

Accordingly, the aim of the present 10 invention is to provide a cosmetic product container which is made as a single piece, both in a single component embodiment and in a bi-component embodiment thereof.

The above mentioned aim, as well as further 15 objects which will become more apparent hereinafter, are achieved by the present invention which specifically provides a cosmetic product container comprising a container body for a cosmetic product and at least a covering element, characterized in 20 that said container body and covering element are made as a single-piece by injecting at least a component and in that said container body and covering element are coupled to one another by a hinge.

According to a preferred embodiment of the 25 present invention, the covering element is provided with a gasket, made of a material different from that forming the assembly constituted by the covering element and container body.

According to another preferred embodiment 30 of the present invention, the gasket and covering element and container body assembly are made by a bi-injection of two different components.

According to another preferred embodiment of the present invention, the container body is open at the end portion thereof opposite to the covering element, thereby said container body can be easily 5 coupled to a bottle or tube.

In this connection it should be pointed out that an opened configuration of the container body would allow the bottle or tube associated therewith to be easily made by a blow molding operation.

10 According to a further preferred embodiment of the present invention, between the container body and covering element a perforated flat element is arranged, in turn coupled to said container body by a second hinge, the assembly being made as a single 15 piece by injecting either a single component or two different components.

Alternately, the container body is closed, at the end portion thereof opposite to said covering element, thereby providing a jar configuration.

20 The present invention relates moreover to a method for making a cosmetic product vessel, characterized in that said method comprises at least an injection step for injecting at least a component to provide an assembly including a container body and 25 at least a covering element, coupled to one another by a hinge.

According to a preferred embodiment of the present invention, the method also comprises a second blow molding step, to define the configuration of the 30 container body.

Finally, the injection step can be made by using two different components, which are processed by a bi-injection apparatus.

BRIEF DESCRIPTION OF THE DRAWINGS

Further advantages and characteristics of the present invention will become more apparent hereinafter from the following detailed disclosure, 5 provided by way of an illustrative, but not limitative example, with reference to the accompanying drawings, where:

Figure 1 is a cross-sectional view of a cream jar according to a first embodiment of the 10 present invention, in an open configuration thereof;

Figure 2 is a cross-sectional view illustrating the cream jar of Figure 1, in a closed configuration or condition thereof;

Figure 3 is a side view of the cream jar 15 shown in Figures 1-2, in an open configuration or condition thereof;

Figure 4 is an axonometric view illustrating a capsule which can be coupled to containers of vial or tube configuration, according 20 to another embodiment of the present invention;

Figure 5 is a further axonometric view of a capsule coupled to a vial or small bottle according to a modified embodiment of the present invention;

Figure 6 is a cross-sectional view 25 illustrating a detail showing a possible embodiment of a hinge according to the present invention;

Figure 7 is a partially cross-sectioned view illustrating the capsule of Figure 5, in an open condition thereof;

Figure 8 is a further partially cross-sectioned view illustrating the capsule of Figure 5, 30 in a closed condition thereof;

Figure 9 is yet another partially cross-

sectioned view illustrating the capsule of Figure 5,
coupled to a tube, in a closed condition thereof;
and

Figure 10 is a side view of a tube provided
5 with a capsule according to the present invention.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

In the following disclosure, reference will
be made to some preferred embodiments of the present
10 invention, which are illustrated, by way of a non
limitative example for disclosing different possible
variations of the invention.

A first exemplary embodiment of the
cosmetic product container according to the present
15 invention is shown in Figures 1-3 and is generally
indicated by the reference number 1.

According to this embodiment, the cosmetic
product container comprises a container body 2, for
holding therein a set cosmetic product, and a
20 covering element 5.

The container body 2 and covering element 5
are made in a single piece, by injecting a first
component, and are coupled to one another by a hinge
4.

25 Moreover, to the covering element 5 a
gasket or seal 3 is applied, said gasket being made
of a material different from that of the assembly
constituted by the covering element 5 and container
body 2.

30 In this connection, it should be pointed
out that the gasket 3 and the covering element 5 and
container body 2 can be made by bi-injecting two
different components.

As shown, the container body 2 is closed at the end thereof opposite to said covering element 5, so as to provide a jar 1.

5 A second embodiment of the invention is illustrated in Figure 4 and generally indicated by the reference number 10; in this embodiment, the container body 12 is open at the end thereof opposite to the covering element 15, in turn provided with a gasket 13.

10 Thus, the container body 12 can be coupled to a vial or bottle 30 or to a tube 40.

15 Also in this embodiment, the container body 12 and covering element 15 are made in a single piece by injecting a first single component and are coupled to one another by a hinge 14.

According to this embodiment, the open container body 12 would allow to provide, by a blow-molding operation, the vial or bottle 30 associated therewith, as is shown in Figure 5, or a tube 40, as 20 is shown in Figures 9-10.

According to a further embodiment of the invention, as shown in Figures 5 and 7-9, and generally indicated by the reference number 20, between the container body 22 and covering element 25 25 is arranged a flat element 26, provided with a throughgoing hole 28 and a gasket 27.

Said flat element 26 is in turn coupled to the container body 22 by a hinge 41, the container body 22 and covering element 25 being coupled by a 30 hinge 24.

Also in this embodiment, the device 20 is made as a single piece, by injecting a single component or, possibly, two different components, in

the case in which the disclosed gasket elements must be made.

The present invention further relates to a method for making cosmetic product containers.

5 At first, the cream jars 1 can be made starting from a single component, by using an injection apparatus, or, if a gasket 3 or other different material must be made, then they can be made starting from two different components, by using
10 a bi-injection apparatus.

In the case of the vials 30 or of the tubes 40, they can be made by a making method comprising a first injection step and a second blowing step.

15 The first injection step can be carried out by a single component or by a bi-component material, as already disclosed, and depending on the result to be obtained with reference to the materials forming the finished products.

20 The blowing step will define the type of the finished product, which can comprise either a vial 30 or a tube 40.

25 This would mean that, with a same injection pre-mold it would be possible to make, by blowing, different types of vials or bottles 30 and/or tubes 40 having the same volume or slightly different volumes.

From the above disclosure it should be apparent that the invention fully achieves the intended objects.

CLAIMS

1. A cosmetic product container, comprising a container body for holding therein a cosmetic product and at least a covering element, characterized in that said container body and covering element are made as a single piece by injecting at least a component and being coupled to one another by a hinge.
- 10 2. A cosmetic product container, according to Claim 1, characterized in that to said covering element a gasket, made of a material different from that of the assembly comprising said covering element and container body, is applied.
- 15 3. A cosmetic product container, according to Claim 2, characterized in that said gasket and covering element and container body assembly are made by bi-injecting two different components.
- 20 4. A cosmetic product container, according to Claim 2 or 3, characterized in that said container body is open at the end portion thereof opposite to said covering element, to be easily coupled to a vial or a tube.
- 25 5. A cosmetic product container, according to Claim 4, characterized in that said open container body allows to make, by a blow molding operation, a vial or tube of any set configurations.
- 30 6. A cosmetic product container, according to Claim 4 or 5, characterized in that between said container body and said covering element is arranged a perforated flat element, said perforated flat element being coupled to said container body by a second hinge, in a single piece, by injecting a

single component or two different components.

7. A cosmetic product container, according to Claim 1, characterized in that said container body is closed at the end portion thereof opposite to said 5 covering element, thereby providing a jar.

8. A method for making a cosmetic product container, characterized in that said method comprises at least an injection step in which is injected at least a component for making an assembly 10 constituted by a container body and at least a covering element, which are coupled to one another by a hinge.

9. A method for making a cosmetic product container, according to Claim 8, characterized in 15 that said method comprises a further blow molding step for define a set configuration of said container body.

10. A method for making a cosmetic product container, according to Claim 8 or 9, characterized 20 in that said injection step is carried out starting from two different components, by using a bi-injection apparatus.

AMENDED CLAIMS

[received by the International Bureau on 11 April 2000 (11.04.00);
original claims 1-10 replaced by new claims 1-6 (2 pages)]

1. A cosmetic product container (1), comprising a container body (2) for holding therein a cosmetic product and at least a covering element (5), said container body (2) and covering element (5) being made as a single piece by injecting at least a component and being coupled to one another by a hinge (4), characterized in that to said covering element (5) a gasket (3), made of a material different from that of the assembly comprising said covering element (5) and container body (2), is applied.

2. A cosmetic product container, according to Claim 1, characterized in that said gasket (3) and covering element (5) and container body assembly are made by bi-injecting two different components.

3. A cosmetic product container, according to Claim 1, characterized in that said container body (2) is open at the end portion thereof opposite to said covering element (5), to be easily coupled to a vial (30) or a tube (40).

4. A cosmetic product container, according to Claim 3, characterized in that said open container body (2) allows to make, by a blow molding operation, a vial (30) or tube (40) of any set configurations.

5. A cosmetic product container, according to Claim 3 or 4, characterized in that between said container body (2) and said covering element (5) is arranged a perforated flat element (26), said perforated flat element being coupled to said container body (2) by a second hinge (41), in a single piece, by injecting a single component or two different components.

6. A method for making a cosmetic product container, according to any preceding claims, said method comprising at least an injection step in which is injected at least a component for making an assembly constituted by a container body (2) and at least a covering element (5), which are coupled to one another by a hinge (4, 41), characterized in that said injection step is carried out starting from two different components, by using a bi-injection apparatus.

STATEMENT UNDER ARTICLE 19

This is in response to the PCT Notification of Transmittal of the International Search Report or the Declaration (PCT Rule 44.1).

The prior art documents have been carefully considered.

Claims 1 to 10 have been cancelled and new Claims 1 to 6 have been submitted in order to clearly distinguish Applicant's invention over the prior art documents either individually or in combination.

From new main claim, which is substantially a combination of previous claims 1 and 2, the gist of the invention should be envisaged in the fact that to the covering element (5) is applied a gasket (3) made of a material different from that of the assembly comprising said covering element (5) and the container body (2). It is believed that such new main claim is actually novel and not obvious over the prior art documents.

In fact, the document US 5 662 245, which has been marked as X in the Search Report, discloses an integrally molded plastic container including a container body and a closure. The closure includes an orifice cap and a sealing cap. The orifice cap is flexibly hinged to the neck portion adjacent to the container opening for pivoting movement from an open position to a closed position where the orifice cap closes the opening. The sealing cap is also flexibly hinged to the neck portion adjacent to the opening for pivoting movement relative to the orifice cap between a closed position, where the sealing cap is in sealing relationship with an orifice in the orifice cap and an open position where the sealing cap is out of sealing relationship with the orifice.

Thus, it should be apparent that this document specifically relates to a closure element for a container, the closure element having a specifically designed construction with integral cover-hinge assemblies: however, such a closure element, which can be considered as constructionally equivalent to Applicant's cosmetic product container, is not a container proper but, as stated, a closure element proper. This closure element, separated from the vessel closed thereby, could not be used as a container for separately holding therein a cosmetic product.

Moreover, this document neither teaches nor addresses to provide in the cover element a gasket made of a material different from that of the assembly comprising the covering element and container body.

With respect to the method for making this prior

closure, it is at first made the container to which the closure would be applied: in particular, in this prior document, the container is produced, using a multiple injection blow molding apparatus, an injection stretch molding apparatus, an injection molding apparatus or other any suitable molding apparatus. In producing the integrally molded double cap container, a first parison is formed with the integrally molded sealing cap and the orifice cap, then transferred to the blow station where the final shape of the container body is formed. The parison including any solid parts, such as the integrally molded sealing cap and the orifice cap, is formed by injection molding tooling at a first injection molding station of an injection molding apparatus

Thus, it should be apparent that such a making method is very different from the method taught by Applicant in new claim 6, which is substantially a combination of previous claims 8 and 10, in which the method comprises an injection step which is carried out starting from two different components, by using a bi-injection apparatus.

In this connection, Applicant desires to draw the attention of the Examiner that the container-cap assembly of this prior art document exclusively suggest the shapes of the embodiment of Applicant's invention shown in Figure 5, but not that shown in the other figures. Anyhow, as stated, this document does not provide to associate with the cover an inner gasket made of a material different from that of the cover.

The document EP 0 302 702, which has been marked by a

Y, teaches a self locking and sealing plug and method for making it. This prior document relates to all filling or plugging, self locking and self sealing plugs and to a method for making the same.

Thus, it should be apparent that this document does not provide any useful teachings for making a container like that disclosed by the Applicant in new main claim and, in particular, does not provide any suggestions or teachings to make a container with an integral cover element in which a gasket is applied made of a material different from that of the assembly comprising the covering element and container body.

Thus, it should be apparent that also this document does not anticipate new main claim.

The document EP 069 999, marked by a X in the Search Report, on the other hand, discloses a container having an integral hinged cap.

However, this document does not disclose to provide a container having an integral hinged cap in which the hinged cap is provided therein with a gasket made of a material different from that of the assembly comprising the covering element and container body.

Finally, the US 3 587 944 document, marked by a X in the Search Report discloses a dispensing apparatus having a plurality of integrally connected parts for use with dispensing containers, wherein the dispensing apparatus has a portion framing a central aperture therethrough.

In particular, this document illustrates a dispensing apparatus having a first closure portion, integrally connecting to a framing portion by a thin flexible strip and a second closure portion integrally connected to the frame portion by a thin flexible strip which is diametrically opposed to the first strip thereby the first closure portion is movable or swingable along a path to close a central aperture through the framing portion and the second closure portion is movable or swingable along a path to close a material dispensing passage way through a first closure portion.

This document too neither teaches nor addresses to provide a closure portion or cover having a gasket therein made of a material different from that of the assembly comprising the covering element and container body.

Thus, it is believed that new main claim, as well as new claims 2 to 6 dependent thereon have patentable merits over the art.

1/4

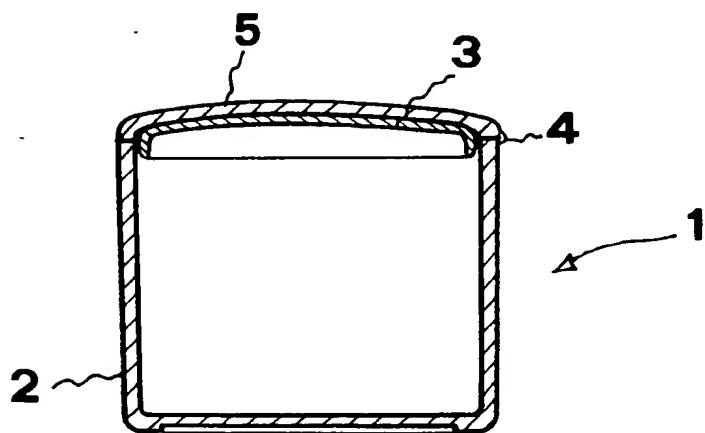
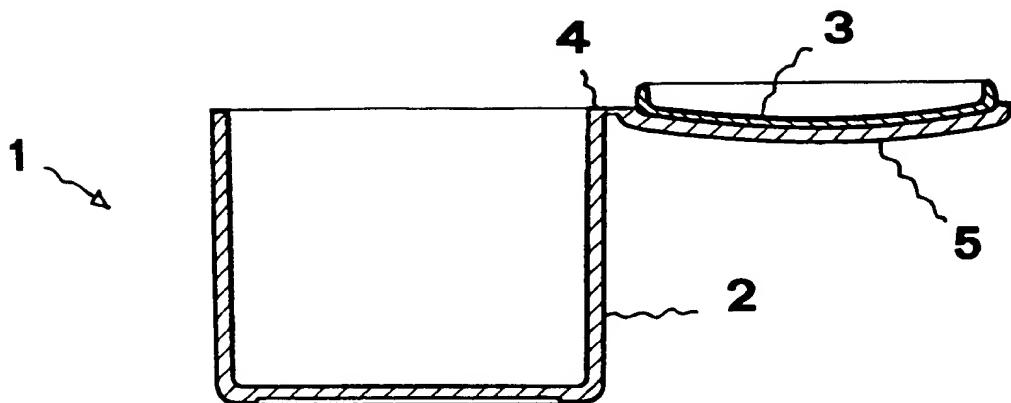
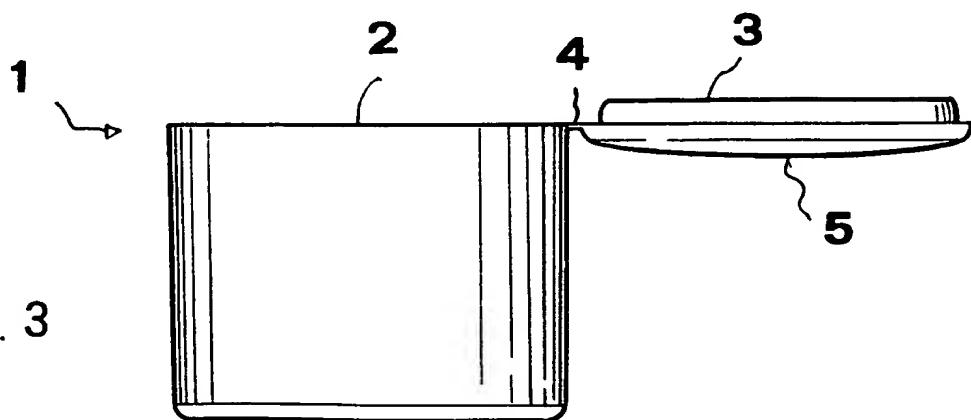


FIG. 3



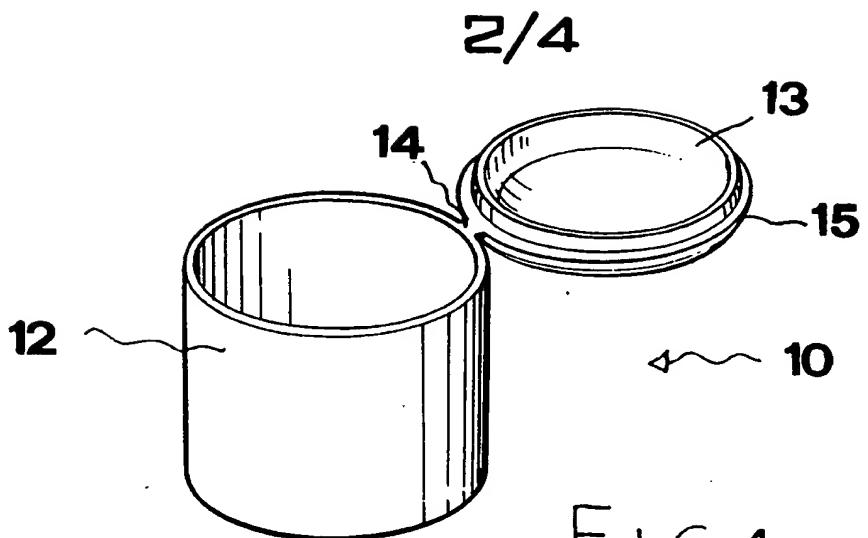


FIG. 4

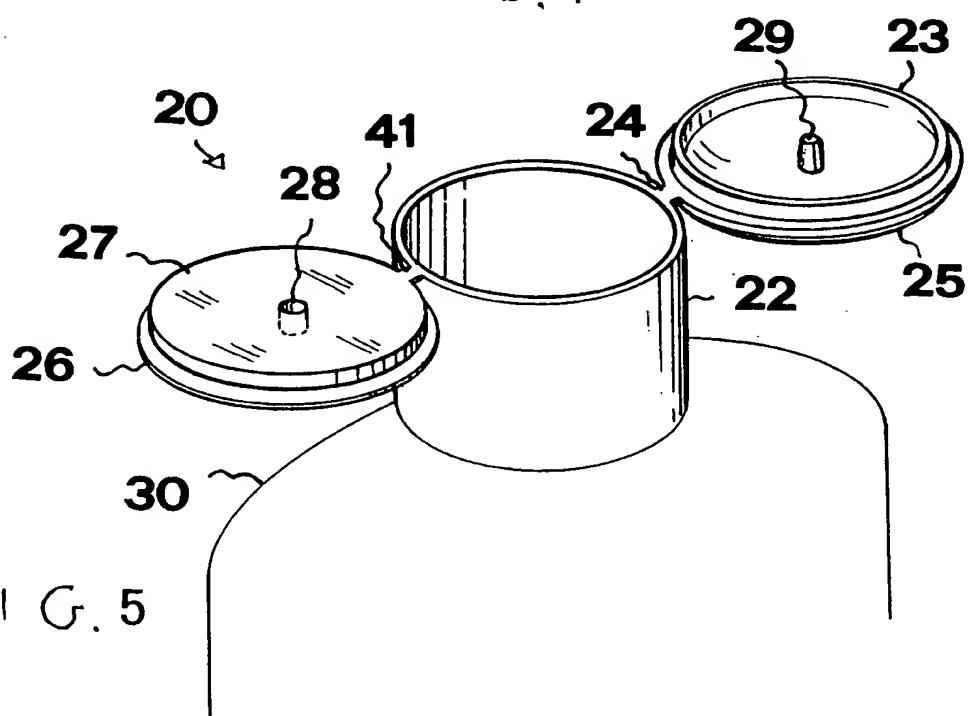


FIG. 5

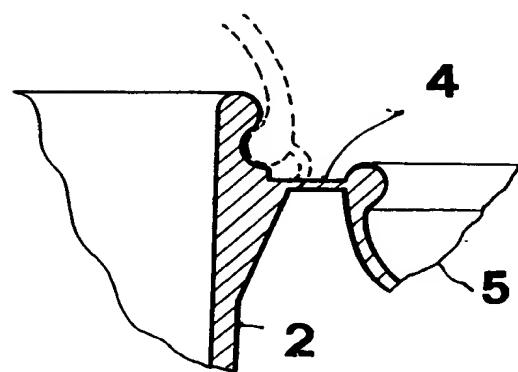


FIG. 6

3/4

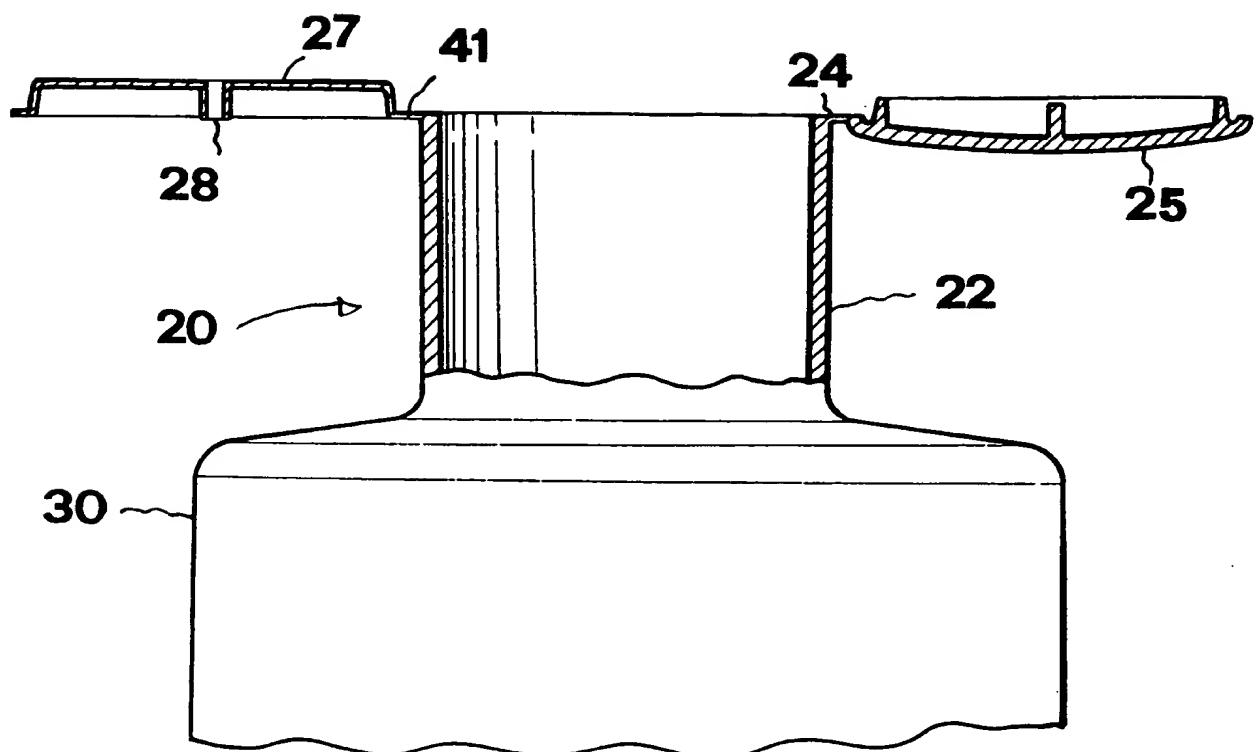


FIG. 7

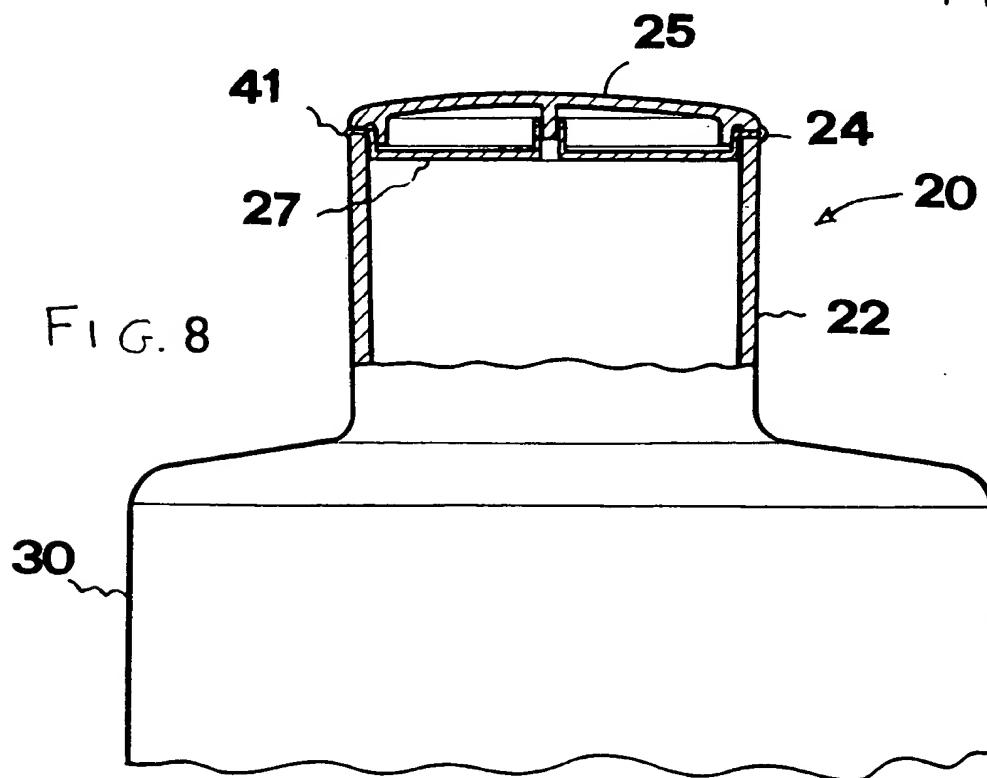


FIG. 8

4/4

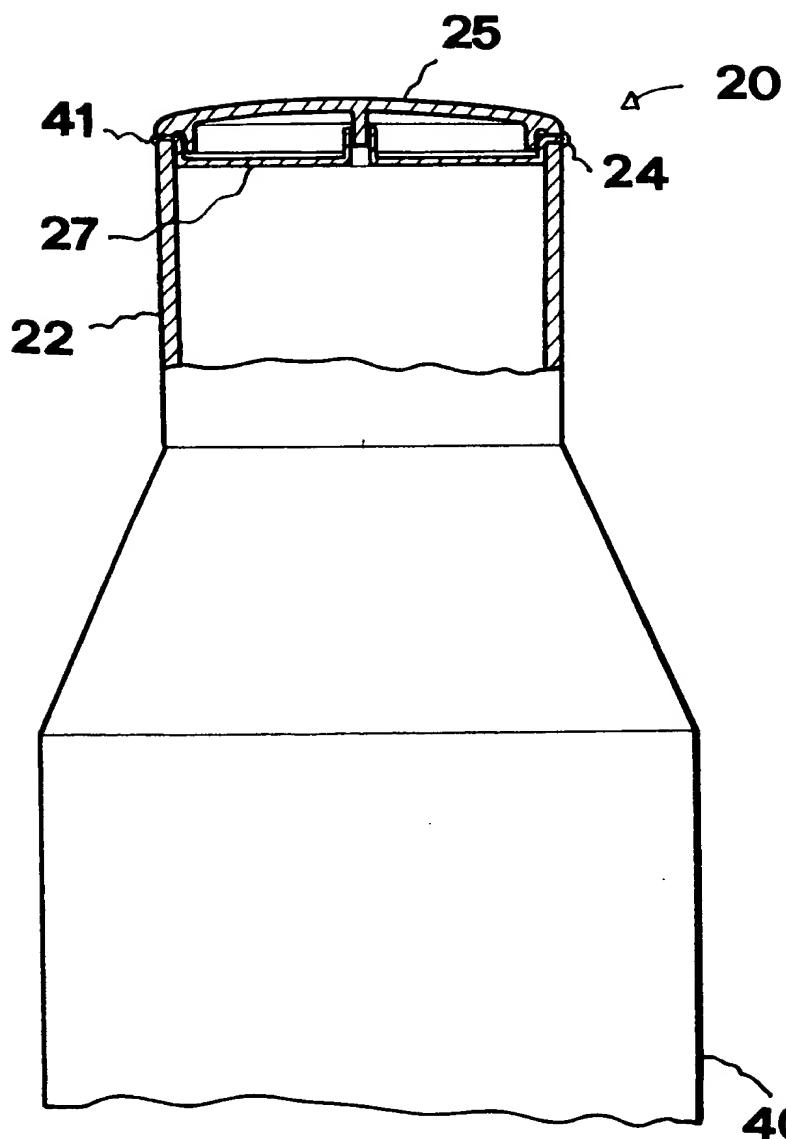


FIG. 9

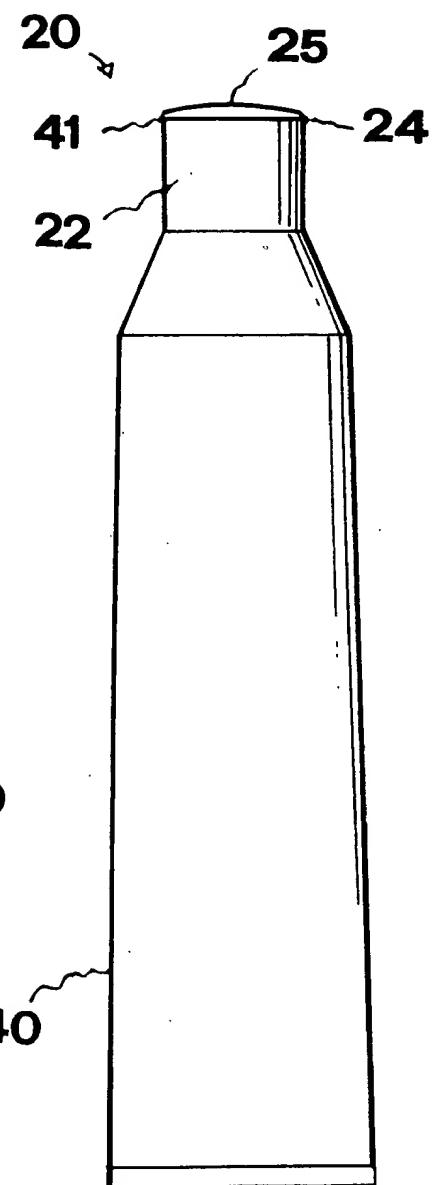


FIG. 10

INTERNATIONAL SEARCH REPORT

Int'l Application No
PCT/IT 99/00338

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B65D47/08

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B65D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 662 245 A (GRANT CHRIS J) 2 September 1997 (1997-09-02) column 5, line 36 -column 7, line 6; figures 1-4 ---	1,8,9
Y	column 5, line 36 -column 7, line 6; figures 1-4 ---	2-7,10
Y	EP 0 302 702 A (CHEMCAST CORP) 8 February 1989 (1989-02-08) abstract; figures ---	2-7,10
X	EP 0 689 999 A (LENTJES THEODOR) 3 January 1996 (1996-01-03) column 3, line 35 -column 4, line 30; figures ---	1
X	US 3 587 944 A (PEHR HAROLD T) 28 June 1971 (1971-06-28) column 3, line 61 -column 4, line 49; figures 4,5 -----	1



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
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"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

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"&" document member of the same patent family

Date of the actual completion of the international search

2 February 2000

Date of mailing of the international search report

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IT 99/00338

Patent document cited in search report	Publication date	Patent family member(s)			Publication date
US 5662245	A 02-09-1997	AU 5851794	A	19-07-1994	
		CA 2151921	A	07-07-1994	
		EP 0673346	A	27-09-1995	
		WO 9414696	A	07-07-1994	
EP 0302702	A 08-02-1989	US 4784285	A	15-11-1988	
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		AT 168342	T	15-08-1998	
		DE 9421675	U	20-06-1996	
		DE 59502807	D	20-08-1998	
US 3587944	A 28-06-1971	NONE			

cou·ple

cou·ple (küp'əl) *noun*

1. Two items of the same kind; a pair.
2. Something that joins or connects two things together; a link.
3. (*used with a sing. or pl. verb*). a. Two people united, as by betrothal or marriage. b. Two people together.
4. *Informal*. A few; several: *a couple of days*.
5. *Physics*. A pair of forces of equal magnitude acting in parallel but opposite directions, capable of causing rotation but not translation.

verb

cou·pled, cou·pling, cou·ples *verb, transitive*

1. To link together; connect: *coupled her refusal with an explanation*.
2. a. To join as spouses; marry. b. To join in sexual union.
3. *Electricity*. To link (two circuits or currents) as by magnetic induction.

verb, intransitive

1. To form pairs; join.
2. To unite sexually; copulate.
3. To join chemically.

adjective

Informal.

Two or few: *"Every couple years the urge strikes, to . . . haul off to a new site"* (Garrison Keillor).

[Middle English, from Old French, from Latin *cōpula*, bond, pair.]

Synonyms: *couple, pair, brace, yoke*. These nouns denote two individuals of the same kind together. *Couple* does not necessarily imply more than association: *a square dance performed by four couples*. The term may also mean simply "few": *a couple of minutes; a couple of books*. *Pair* stresses close association and often reciprocal dependence of things (*a pair of gloves; a pair of pajamas*); sometimes it denotes a single thing with interdependent parts (*a pair of scissors; a pair of spectacles*). *Brace* refers principally to certain animals or game birds (*a brace of hounds; a brace of partridges*), and *yoke* to two joined draft animals (*a yoke of oxen*).

Usage Note: When used to refer to two people who function socially as a unit, as in *a married couple*, the word *couple* may take either a singular or a plural verb, depending on whether the members are considered individually or collectively: *The couple were married last week. Only one couple was unaccounted for*. When a pronoun follows, *they* and *their* are more common than *it* and *its*: *The couple decided to spend their* (less commonly *its*) *vacation in Italy*. Care should be taken that the verb and the pronoun agree in number: *The couple have their* (less commonly *has its*) *primary residence in New York*. Although the phrase *a couple of* has been well established in English since before the Renaissance, it has been criticized on several grounds. Grammarians used to insist that *a couple of* should be used only to refer to things closely linked to one another and so was improperly used in phrases such as *a couple of years ago*. This objection has not been heard in some time and was never well supported. Modern critics have sometimes maintained that *a couple of* is too inexact to be appropriate in formal writing. But the inexactitude of *a couple of* may serve a useful communicative purpose, suggesting that the writer is indifferent to the precise number of items involved. Thus the sentence *She lives only a couple of miles away* implies not only that the distance is short but that its exact measure is unimportant. Furthermore, *a couple of* is different from *a few* in that it does not imply that the relevant amount is relatively small. One might say admiringly of an exceptional center fielder that *he can throw the ball a couple of hundred feet*, but not, except ironically, *a few hundred feet*, which would suggest that such a throw was unremarkable. The usage should be considered unobjectionable on all levels of style.

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09/890035
JC17 Rec'd PCT/PTO 26 JUL 2001

Re.: PCT Patent Application No. PCT/IT99/00338
filed on 22/10/1999 in the name of
GIBO ITALIA S.R.L., et al

Sir,

This is in response to the PCT Written Opinion (PCT Rule 66) dated 04.10.2000.

The objections of the Examiner and cited prior art documents D1 and D2 have been carefully considered.

Claims 1 to 6 submitted with previous Applicant's letter of 20.05.2000 have been cancelled, and new claims 1 to 7 have been drafted in order to clearly distinguish Applicant's invention either individually or in combination.

In drafting the new claims care has been put to overcome main rejection grounds by the Examiner, in particular as stated in items 1 to 5 of the Office Letter.

Applicant believes that the new claims, in addition to being new, are also novel over the prior art documents:

more specifically, Applicant believes that new claims 1 to 7 fulfills both the requirements of Article 33(2) PCT and the requirements of Article 33(3) PCT.

In fact, with respect to the inventive step requirement, Applicant has noted that the Examiner has cited, against this inventive step, the document D2: actually, the document D2 discloses an integral member made of two different materials, i.e. a harder material and a softer material. However, this document does not disclose a cover-gasket combination, but a self-locking and sealing plug and a method for making the same. More specifically, this document provides a self-locking, self-sealing solid plug wherein the locking portion has a continuous laterally and axially extending ridge portion which has a shape substantially similar to and a lateral dimension larger than the opening, said ridge portion tapering inwardly from said lateral dimension toward a narrow portion which has a lateral dimension smaller than said ridge portion, said sealing portion having a central surface portion which overlays said central portion of said locking portion, said central surface portion terminating at its periphery in an annular wing portion and comprising a sealing band surface located adjacent its periphery, which surface forms an axially extending continuation of said axially extending ridge portion, said annular wing portion extending outwardly and toward the panel from said sealing band surface and forming a secondary seal with the surface surrounding said opening when said plug is installed in the panel opening

Thus, it is clear that the ridge portion integral with the plug cannot be considered equivalent to the gasket

applied to a cover element (and not to a self locking plug) taught by the Applicant in the new main claim.

In this connection Applicant desires to draw the attention of the Examiner on the fact that one skilled in the art would not be able of drawing any teachings from the plug-seal combination taught by this prior document for making a cover-seal combination like that disclosed by Applicant in the new main claim: in fact, a plug-sealing ridge combination like that disclosed by this prior document would permanently lock the opening of a container if fitted to the mouth container or to a portion of the container cover.

In other words, this prior document discloses a self-locking sealing plug and not a simple sealing gasket for tightly coupling a cover element to the associated container.

Accordingly, as stated, it is believed that the new main claim should have patentable merits over the two documents D1 and D2 either individually or in combination.

New claim 2 discloses the further feature of Applicant's cosmetic product container that the container body is closed at the bottom end thereof opposite to the covering element thereby providing a jar container.

On the contrary, as also admitted by the Examiner, the container body of document D1, open at its bottom end, cannot contain anything.

Accordingly, it is submitted that also new claim 2 should have patentable merits over the prior art documents.

New claims 3 to 5 teach further features of Applicant's container which are neither disclosed nor addressed by the two prior art documents.

Accordingly, it is believed that also new claims 3 to 5 should be allowed.

Finally, new claims 6 and 7 disclose a method for making a cosmetic product container according to allowable claims 1 and 2 which is neither disclosed nor addressed by the documents D1 and D2.

Thus, it is believed that also new claims 6 and 7 should be allowed since they are novel and inventive over the mentioned prior art documents.

The other requirements of the PCT Rules, in particular to meet the requirements of points 6 to 8 of the Office Letter will be met upon acceptance by the Examiner of the new enclosed claims.

In view of the foregoing discussion, a favorable prosecution of the application is respectfully urged.

Respectfully submitted



Encl.: New claim 1 to 7 pages 8 and 9

CLAIMS

1. A cosmetic product container (1), comprising a container body (2) and at least a covering element (5), said container body (2) and covering element (5) being made as a single piece by injecting a first material and being coupled to one another by a hinge (4), characterized in that to said covering element (5) a gasket (3) is applied, said gasket being made by injecting a second material different from said first material comprising said covering element (5) and container body (2).

2. A cosmetic product container (1), according to Claim 1, characterized in that said container body (2) is closed at a bottom end thereof opposite to said covering element (5) thereby providing a jar container (2).

3. A cosmetic product container, according to Claim 1, characterized in that said container body (2) is open at bottom portion thereof opposite to said covering element (5), to be coupled to a vial (30) or a tube (40).

4. A cosmetic product container, according to Claim 3, characterized in that said vial (30) or tube (40) are made by a blow molding process through said open body (2).

5. A cosmetic product container, according to 1, characterized in that between said container body (2) and said covering element (5) is arranged a perforated flat element (26), coupled to said container body (2) by a second hinge (41), in a single piece with said container body.

6. A method for making a cosmetic product container, according to Claim 1 and 2, said method

comprising the injection of a further material for making an assembly constituted by a container body (2) and a covering element (5), which are coupled to one another by an integral hinge (4, 41), characterized in that said method comprises a further injection of a second material for forming a gasket (3) for tightly coupling said container body (2) and covering element (5).

7. A method for making a cosmetic product container, according to Claim 4, characterized in that said method comprises a step of injection molding said container body (2) and covering element (5), said container body (2) being formed open at the end thereof opposite to said covering element (5) and blow molding through said open container body (2) a cosmetic holding vial (30) or tube (40).

Re.: International Application No. PCT/IT99/00338
filed on 22/10/1999 in the name of
GIBO ITALIA S.R.L. et al

Sir,

This is in response to the PCT International Preliminary Examination Report dated 08.03.2001.

The observations of the Examiner and cited prior art documents have been carefully considered.

Claims 1 to 7 submitted with Applicants letter of 04.01.2001 have been cancelled, and new claims 1 to 7 have been submitted, for clearly distinguish Applicant's invention over the prior art.

In drafting the new claims, care has been put to overcome any rejection grounds by the Examiner as those raised in items 1, 1.1, 1.2 and 2 of RE Item I and at items 1, 1.1, 2, and 3 of Item III of the Office Letter.

From new claim 1, the gist of the invention should be envisaged in the fact that the gasket is made of a second material different from said first material, and that said container body, said covering element and said gasket are made by bi-injecting said first and second materials respectively, thereby providing a single piece container body, covering element and sealing gasket container assembly.

This claim fully achieves the main object of the Applicant's invention stated on page 2, lines 9 to 13, that is of providing a cosmetic product container which is made as a single piece, both in a single component or material embodiment thereof and in a bi-component or material embodiment thereof.

It is believed that the new main claim is actually novel and not obvious over the prior art cited by the Examiner, in particular over the document US-A-5 662 245.

In fact, this prior art document does not provide a single piece container, that is a single piece container including the container body, the container cover and the container gasket. In fact, this document does not teach or address to provide an integral or single piece container, provided with a related gasket, made of a material different from that of the container cover and body, and which is made in the same molding step of the container body and cover, by using a bi-injection of the two different plastics materials.

It is admitted, as stated by the Examiner, that a skilled person already knows that the material of the gasket and the covering element can be different and usually are different: however, no prior art has been cited specifically teaching or addressing that the overall container, together with its gasket, can be made by a bi-injection step in which all of the container components, included the gasket, can be simultaneously made, with the gasket being of a different material.

In this connection, however, Applicant does not agree with the Examiner that to provide a bi-injection of different materials be obvious: actually, the document D1 neither teaches nor addresses such a possibility.

With respect to the point 1, of item VIII of the Office Letter, Applicant desires to draw the attention of the Examiner on the fact that the wordings "container body" has been actually used for defining not the overall container, but only the top portion of the container which, in a first embodiment can be closed, thereby providing a container proper and, in a second embodiment, can be opened, thereby providing only a top portion of the container.

In this connection, Applicant desires to further draw the attention of the Examiner on the fact that, in the open top embodiment, since the object of Applicant's invention has been that of providing a single piece container, it would have been obvious that the blow-molding step would have been performed necessarily

"through" the top open portion of the container. Anyhow, this concept has been deleted from new claims.

It is moreover pointed out that the top body of the container would hold therein a product only in the closed embodiment thereof, whereas the top portion of the container would hold therein a product necessarily after a blow-molding step, in which a closed vial or tube would be molded to be associated (integrally) with the top open container body.

The description has been carefully revised in order to overcome the rejections of points 3 to 5 of Item VIII and any other rejection grounds.

The document D1, finally, has been disclosed in the introductory part of the disclosure as the most pertinent background art.

Thus, allowance of new main claim 1, and the other claims 2 to 7 dependent thereon is respectfully solicited.

Respectfully submitted

Encl.: New claim 1 to 7 pages 8, 9;
Hand amended pages 2, 3, 5 of the disclosure

CLAIMS

1. A cosmetic product container (1), comprising a container body (2) and at least a covering element (5), said container body (2) and covering element (5) being made as a single piece of a first material and being coupled to one another by a hinge (4), said covering element being provided with a gasket, characterized in that said gasket (3) is made of a second material different from said first material and that said container body, said covering element and said gasket are made by bi-injecting said first and second materials respectively, thereby providing a single piece container body, covering element and sealing gasket container assembly.

2. A cosmetic product container (1), according to Claim 1, characterized in that said container body (2) is closed at a bottom end thereof opposite to said covering element (5) thereby providing a jar container (2).

3. A cosmetic product container, according to Claim 1, characterized in that said container body (2) is open at bottom portion thereof opposite to said covering element (5), to be coupled to a vial (30) or a tube (40).

4. A cosmetic product container, according to Claim 3, characterized in that said vial (30) or tube (40) are made by a blow molding process.

5. A cosmetic product container, according to 1, characterized in that between said container body (2) and said covering element (5) is arranged a perforated flat element (26), coupled to said container body (2) by a second hinge (41), in a single piece with said container body.

6. A method for making a cosmetic product container, according to Claim 1 and 2, said method being characterized in that it comprises a step of bi-injecting a first material for making an assembly constituted by a container body (2) and a covering element (5), which are coupled to one another by a hinge (4, 41), and a second material, different from said first material, for forming a gasket (3) for tightly coupling said container body (2) and covering element (5).

7. A method according to Claim 6, wherein said container body (2) is formed open at the end thereof opposite to said covering element (5), characterized in that said method comprises a further step of blow-molding a cosmetic product vial (30) or tube to be coupled to said open covering element (5).

cosmetic products, which further complicates the container construction.

From the above, it should be apparent that it would be desirable to provide a cosmetic product 5 container allowing to solve the above mentioned problems.

The document US 5662245 discloses a container with an integrally molded dome according to the *principle of claim 1.*

SUMMARY OF THE INVENTION

Accordingly, the aim of the present 10 invention is to provide a cosmetic product container which is made as a single piece, both in a single component *or material* embodiment and in a bi-component *or material* embodiment thereof.

The above mentioned aim, as well as further 15 objects which will become more apparent hereinafter, are achieved by the present invention which specifically provides a cosmetic product container according to *Claim 1.* comprising a container body for a cosmetic product and at least a covering element, characterized in 20 that said container body and covering element are made as a single piece by injecting at least a component and in that said container body and covering element are coupled to one another by a hinge.

According to a preferred embodiment of the 25 present invention, the covering element is provided with a gasket, made of a material different from that forming the assembly constituted by the covering element and container body.

According to another preferred embodiment 30 of the present invention, the gasket and covering element and container body assembly are made by a bi-injection of two different components.

Claim 3

According to another preferred embodiment of the present invention, the container body is open at the end portion thereof opposite to the covering element, thereby said container body can be easily coupled to a bottle or tube.

In this connection it should be pointed out that an opened configuration of the container body or top portion would allow the bottle or tube associated therewith to be easily made by a blow molding operation, to form a closed container.

According to a further preferred embodiment of the present invention, between the container body and covering element a perforated flat element is arranged, in turn coupled to said container body by a second hinge, the assembly being made as a single piece by injecting either a single component or two different components.

Alternately, the container body is closed, at the end portion thereof opposite to said covering element, thereby providing a jar configuration.

The present invention relates moreover to a method for making a cosmetic product vessel, characterized in that said method comprises at least an injection step for injecting at least a component to provide an assembly including a container body and at least a covering element, coupled to one another by a hinge.

According to a preferred embodiment of the present invention, the method also comprises a second blow molding step, to define the configuration of the container body.

Finally, the injection step can be made by using two different components, which are processed by a bi-injection apparatus.

sectioned view illustrating the capsule of Figure 5,
coupled to a tube, in a closed condition thereof;
and

Figure 10 is a side view of a tube provided
5 with a capsule according to the present invention.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

In the following disclosure, reference will
be made to some preferred embodiments of the present
10 invention, which are illustrated, by way of a non
limitative example for disclosing different possible
variations of the invention.

A first exemplary embodiment of the
cosmetic product container according to the present
15 invention is shown in Figures 1-3 and is generally
indicated by the reference number 1.

According to this embodiment, the cosmetic
product container comprises a container body 2, for
holding therein a set cosmetic product, and a
20 covering element 5.

The container body 2 and covering element 5
are made in a single piece, by injecting a first
component, and are coupled to one another by a hinge
4, ^{which hinge can be formed either by a substantially flat strip} <1>

25 Moreover, to the covering element 5 a
gasket or seal 3 is applied, said gasket being made
of a material different from that of the assembly
constituted by the covering element 5 and container
body 2.

30 In this connection, it should be pointed
out that the gasket 3 and the covering element 5 and
container body 2 can be made by bi-injecting two
different components. <2>

1 < element (4, 14, 24) or by a flat strip element having a
ribbed end portion, as in fig. 6, to be engaged in a recess of
the container body or top portion as the container cover is closed >